

U.S. Department of Justice

United States Attorney
Western District of Washington

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October 21, 2013

Dear Community Police Commission:

You may be aware of recent public comments suggesting that the U.S. Department of Justice resisted the formation of a community oversight panel, and that this somehow delayed or prolonged the consent decree negotiations. The protection of civil rights is among the highest priorities of the Justice Department (DOJ) and we feel it important for you to have a full understanding of our consistent commitment to community involvement in police reform in Seattle.

As you know, the community has been at the heart of this matter from the start, and an oversight board was a concept the DOJ actively supported and continues to believe plays a critical role in effective and measurable reform. As we have said repeatedly, at every significant stage of this matter, the DOJ has sought, relied on and advocated for community and police involvement – during our investigation, throughout negotiations, and now during implementation.

In fact, even before we decided to open an investigation, in February 2011, we met with the 34 community groups who had signed the ACLU's letter to us to hear why they believed an investigation was needed and what it should look like. Over the course of the investigation, we met with hundreds of community members in dozens of community meetings and forums often organized and sponsored by the organizations now represented on the Community Police Commission (CPC).

Our findings letter was issued on December 16, 2011. We immediately began meetings with the City to find a resolution to address the full range of issues. While our investigation did not support a formal finding of biased policing, there was little doubt the City needed to address long-standing issues regarding its work with communities of color and other minority groups. Despite great efforts, no consensus was reached even within the City, so on March 30, 2012, the DOJ sent the City its first comprehensive settlement proposal, which included remedial measures for the SPD's Use of Force, Biased-Free policing and *Terry* Stop practices, as well as sections on Community Engagement, Outreach and Problem-Solving. The City's initial response in May 2012 was so limited in scope that it nearly derailed the settlement process and prolonged negotiations. As we stated then in response to the City's proposal: "We are particularly troubled and surprised that the City has not included any measures to respond to the issues of discriminatory policing, community engagement, or the City's accountability system." Each element was critical, and, throughout the process, we never deviated from the need to have a fully comprehensive, court-ordered and monitored agreement.

As the parties continued to negotiate in June and July 2012, the DOJ built on its initial proposals regarding community engagement by formally proposing a community-based entity – that we called the “Community Monitoring Board” – with a significant role in the reform process, somewhat modeled on similar successful endeavors in other cities.¹ This group was envisioned as the public’s representatives working directly with the Monitor and the parties on reform efforts. During the course of negotiations, the concept was further developed and improved and, ultimately, became the CPC. City leaders should properly be credited for their role in crafting the final provision and for supporting your work. However, the DOJ never resisted or delayed an agreement because it contemplated community involvement.

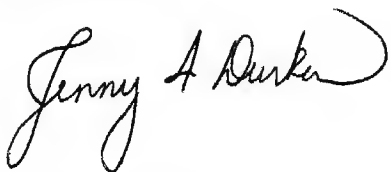
Together, the parties crafted a strong agreement that includes reforms relating to use of force, biased policing, stops and detentions, and the accountability system, and provides for a significant role for the CPC. We believe the CPC is an integral part of reform here and a model for reform efforts across the nation. While there may be times the CPC and we disagree, that is a healthy thing. We look forward to the dialogue. But it is important that you – and the communities you represent – understand a bit of the history and that we did support and continue to support the CPC.

The Court continues to oversee this matter and the Monitor is deeply engaged. As we have explained, the DOJ continues to have independent enforcement obligations that we take seriously. Since your appointment, the DOJ has been tracking and assisting, as needed, the CPC’s work, including, most recently, working with the Monitor and the City to ensure that the CPC and the community had adequate time to consider draft use of force policies. A great many people, including members of the Seattle Police Department, dedicated community members and elected officials, deserve credit for getting us to where we are now – on the path to real reform.

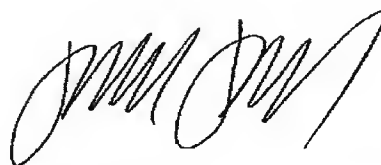
We continue to believe all parts of the City deserve due credit for reaching a strong agreement, which seeks systemic reforms and strong community engagement. And, as we have said before, pressure from the community demanding a “comprehensive agreement” helped break the logjam and moved negotiations forward. In the end, it will be the engagement of you and those you represent – from neighborhoods to precinct houses – that ensures long-term success.

We appreciate your continued service.

Sincerely,



Jenny A. Durkan
United States Attorney
Western District of Washington



Jonathan Smith
Chief, Special Litigation Section
Civil Rights Division

¹ The document containing DOJ’s proposal remains subject to a mediation agreement that makes it exempt from public disclosure under state law. We are willing to waive the mediation exemption as it relates to this document.